

U. S. PTO Customer No. 25280

Case #5682A

REMARKS

Claims 1-2, 5-7, 12, 14-16, 18-23, 25-32, 35-43 and are pending. Claims 36-43 are new, but are fully supported by the specification as originally filed. Claims 12, 14-16, 18-23, 25-32 and 35 are withdrawn from consideration. Claims 3-4, 8-11, 13, 17, 24, and 33-34 have been canceled without prejudice or disclaimer.

Claim 1 as amended is supported by the specification at pages 1-22 generally. Added claim 36 is disclosed on pages 8-10 (see also page 8, line 17). Claim 37 is supported at page 8. Claim 38 is supported at pages 8-10. Claim 39 is disclosed at page 9. Claim 40 is shown at page 8, and elsewhere. Claim 41, an independent claim, is supported by the disclosure generally at pages 1-22. Claim 42 is supported at page 9. Claim 43 is disclosed on page 26, line 16-17 of the specification.

Claims 1-3, 5-8, 10 and 11 were rejected under section 103 as obvious in light of U.S. Patent No. 5,453,540 to Dams et al. ("Dams") in view of United States Patent No. 6,251,210 to Bullock et al. ("Bullock"). The Office Action states that Dams teaches fluorochemical compositions with stain release, but with unblocked (instead of blocked) isocyanate groups. The Office Action indicates that Bullock teaches fluorochemically treated fabrics with antimicrobial agents. The Office Action further states that it would have been obvious at the time the invention was made to have modified the invention of Dams by combining the Dams invention with the biocide suggested by Bullock to make a textile with antimicrobial properties. These scope of these claims are now changed in subject matter by way of the amendments provided above.

The specification is amended, but no new matter is added. The original specification at page 26 disclosed the language that is now proposed for insertion into the specification.

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The originally filed claims are part of the specification for purposes of section 112, and thus no new matter is added by way of this proposed amendment to the specification.

**THE CLAIMS AS AMENDED ARE NOT OBVIOUS**

Applicants urge that the claims as amended, and the newly presented claims, are not obvious in light of the teachings of Dam combined with the teachings of Bullock. Dam does not disclose antimicrobial compositions. Further, Dam does not disclose an electrically conductive coating upon a side of a textile or fabric. Thus, Dam is missing several features of the claimed invention.

Bullock does not disclose an electrically conductive coating upon a side of a textile or fabric. Bullock discloses a method of treating a fabric by multiple applications of aqueous treatment compositions (i.e. primary and secondary), but Bullock provides no teaching of a conductive coating for the purposes of rendering a fluorochemically treated textile or fabric more resistant to static electrical charge.

Thus, the teachings of Dam and Bullock when combined do not even disclose all of the claimed elements of the invention. Further, there is no reasonable basis or teaching in the art that would suggest combining these two references. There is no *prima facie* case of obviousness, since neither reference discloses the feature of an electrically conductive coating upon a textile or fabric. Without a *prima facie* case of obviousness, there can not be any combination at all, and the rejection is not supportable. Thus, even if the combination were made, such a combination still falls short of providing the features and elements of the claimed invention.

**OBVIOUSNESS DOUBLE PATENTING**

Claims 1-8, 10 and 11 were rejected for obviousness type double patenting over co-

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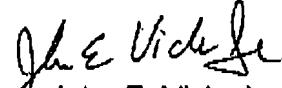
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pending and commonly owned application No. 10/659,900. Applicants have reformatted the claims of this application, and is now urging patentability of an invention defined in a different manner than previously set forth. Thus, applicants urge that the newly presented amended claims are patentably distinct from the claims of this cited pending application, and request withdrawal of the obviousness double patenting rejection on that basis.

**General Fee Authorization:** In the event that there are fees associated with the completion of the Missing Parts for this application that are not specifically authorized by this Amendment, Applicant hereby authorizes the Commissioner to withdraw those fees from our Deposit Account No. 04-0500.

**Extension Of Time:** In the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicant hereby petitions for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from Deposit Account No. 04-0500.

Respectfully Submitted,



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